IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.3666 OF 2007

Sou.Gunvanti Balgonda Patil ...Petitioner

Versus

Shri Pradhan Balgonda Patil ...Respondent

.....

Mr.Amit Borkar for Petitioner.

Mr.V.B.Rajure for Respondent.

.....

CORAM: A.M.KHANWILKAR, J.

JULY 6, 2007.

P.C.

1. Counsel for the Petitioner submits that before the impugned order came to be passed, the Defendant No.7 had already disposed of his share in the suit property 1A. It is submitted that this development has not been taken into account by the Appellate Court. From the order as passed by the Appellate Court, it is not possible to suggest that such plea was taken before the Appellate Court. If that plea is available to the Petitioner, the Petitioner may approach the Appellate Court for

recall of the order, if so advised. That Application be considered on its own merits in accordance with law.

2. If such application is made, the Appellate Court may examine the correctness of the stand of the Petitioner that the Defendant No.7 disposed of his share in property 1A in anterior point of time and the efficacy of such transaction.

3. The argument of the Respondent that the plea taken by the Petitioner before this Court is incorrect and false, will be considered by the Appellate Court.

4. Application disposed of on the above terms.

A.M.KHANWILKAR, J.